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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,278	11/12/2003	Armik Agakanian	50653/RJW/Q42	9322
23363	7590	10/07/2005		
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER LUONG, SHIAN TINH NHAN	
			ART UNIT	PAPER NUMBER
			3728	
DATE MAILED: 10/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,278

Applicant(s)

AGAKANIAN, ARMIK

Examiner

Shian T. Luong

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-32 is/are allowed.
- 6) ☒ Claim(s) 1-26 and 33-46 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/12/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include a reference sign for a ridge and a channel. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 12, 18-26, 38-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 12, 24, the term "first and second display portions" lacks proper antecedent basis. In claim 18, line 10, "fall" should be "wall."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13, 15-25, 33-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Byer (US 5,411,140) discloses a display package comprising a first package portion 3 having a first interface region 7, a back wall, and a first cavity portion extending from the back wall, the first cavity portion having a first engagement means 14; and a second package portion 4 having a second interface region 7, a front wall, and a second cavity portion extending from the front wall, the second cavity portion having a second engagement means 24. Wherein the first package portion adapted to fit together with the second package portion with the first interface region interfacing with the second interface region. The first engagement means of the first package portion of one display package is adapted to engage with the second engagement means of the second package portion of another display package. When the first and second package portions fit together, the first and second cavity portions form a combined cavity portion. The first package portion further comprises a side wall and the second package portion further comprises a side wall. The display package has an outwardly extending tab 9a or 33 formed on at least one of the first and second package portions. At least one stabilizing foot portion 11 on bottom side of at least one of the first and second package portion which extends sideways beyond the side wall of its respective at least one first and second package portions. The first engagement means is integrally formed with the first cavity portion and comprises one of a recess and a protrusion, and the second engagement means is integrally formed with the second cavity portion and comprises the other of a recess and a protrusion, wherein the recess of one display package and protrusion of another display package will interconnect together. The first and second interface regions are formed around a perimeter of the back wall and the front wall, respectively. The first

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and second interface regions are formed around the side walls of the first and second display portions, respectively. The first interface region comprises one of a ridge and a channel 9,9a and the second interface region comprises the other of a ridge and a channel 9,9a, the ridge being dimensioned and interface within the channel. The first package portion and the second package portion are unitary. A plurality of display packages can be interconnected by engaging the first engagement means of one display package with the second engagement means of an adjacent display package. The outwardly extending tab formed on at least one of the first and second package portions will lie adjacent to another display package, and a space 14' or the space between 9 of one package to another package will be formed between adjacent interconnected display packages. For the purpose of claims 6,21,41, the side flange portions adjacent to the side wall is considered the tab.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14,26,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byer.

Although Byer does not disclose separate packaging portion, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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7. Claims 14,26,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byer in view of Berry, Jr. (US 5,281,400). Although Byer does not disclose separate packaging portion, Berry Jr. teaches an enclosure made of two separate pieces. It would have been obvious in view of Berry, Jr. to make the structure separate since it would have been an obvious modification in the art.

Allowable Subject Matter

8. Claims 27-32 are allowed.

Conclusion

9. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners, M.P.E.P. 203.08.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Erica Miller at (571) 272-4370.

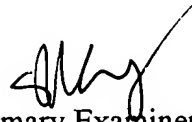
For applicant's convenience, the official FAX number is 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify

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Examiner Luong of Art Unit 3728 at the top of your cover sheet of any correspondence submitted.

Inquiries concerning the merits of the examination should be directed to Shian Luong whose telephone number is (571) 272-4557. The examiner can normally be reached on M-H from 7:00am to 4:00pm EST.

STL
October 5, 2005


Primary Examiner
Shian Luong
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